

Iowa Legislative Fiscal Bureau

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Des Moines, IA 50319
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Crime Bills from the 1997 Legislative Session

ISSUE

Effects on prisons from the crime bills passed during the 1997 Legislative Session.

AFFECTED AGENCIES

Department of Corrections

CODE AUTHORITY

Various sections of the Code of Iowa

BACKGROUND

Between FY 1987 and FY 1997, the Iowa prison population has more than doubled, increasing from 2,789 to 6,637 inmates. To meet the growing population, a 750-bed medium security prison was constructed at Clarinda, replacing the 152 bed facility at the same location. The new Clarinda prison opened in late FY 1996. A second 750-bed medium security prison at Newton opened in July 1997. A third 750-bed prison in Fort Dodge is under construction and scheduled to be operational by April 1998. The Legislature authorized renovation and reopening of Cellhouse 17 at Fort Madison, adding approximately 200 maximum-security beds.

The Criminal and Juvenile Justice Planning Division (CJJP), Department of Human Rights, prepared the annual Iowa's Prison Population Forecast: FY 1997 - FY 2006, prior to the legislative changes authorized during the 1997 Legislative Session. The report states the major factors driving the growth in the prison populations are:

- Increased prisoner length of stay. The length of stay has increased for most offenses between 1991 and 1996. The Criminal and Juvenile Justice Planning Division projects that approximately 63.0% of the ten-year prison population increase is because of the increased length of stay. Various factors affect length of stay, including legislative changes, charge and sentencing practices, and parole policies.
- A continued increase in prison admissions, especially from offenders admitted from probation. In FY 1990, admissions from probation totaled 20.6% of all admissions, but by FY 1996, admissions from probation had grown to 33.2% of all admissions.

Considering all admissions, drug offenses were the most common offense among new prisoners. Other common offenses for new prison admittees include theft, assault, forgery/fraud, robbery, and weapons offenses.

CURRENT SITUATION

During the 1997 legislative session, there were 16 bills of enacted legislation that required correctional impact statements. The bills and their projected impacts on inmate populations are described in the following table. The estimates are from fiscal notes utilizing projections provided by the Criminal and Juvenile Justice Planning Division, Department of Human Rights.

Bill	Description	Inmate Population Increase		
		FY 1998	FY 1999	FY 2002
HF 226	Makes technical modifications for calculation and recording of "good time."	Not Significant	Not Significant	Not Significant
HF 449	Makes a sex act with a person under the influence of flunitrazepam sexual abuse in the third degree, a Class C felony.	Not Significant	Not Significant	Not Significant
HF 542	Makes throwing or expelling blood, seminal fluid, urine, or feces on a jail or prison employee by an inmate a Class D felony.	9	19	65
HF 589	Makes it a serious misdemeanor to act as a boxing promoter without a license.	Not Significant	Not Significant	Not Significant
HF 612	Changes the child support provisions, primarily as a result of federal requirements.	Can Not Be Determined	Can Not Be Determined	Can Not Be Determined
HF 647	Expands definition of theft to include the issuance of a financial instrument knowing that it will not be paid when presented to the financial institution.	Not Significant	Not Significant	Not Significant
HF 661	Excludes mandatory reporters of sexual abuse from deferred judgments, deferred sentences, and suspended sentences if that person commits sexual abuse of someone younger than 18 years.	4	11	15

Bill	Description	Inmate Population Increase		
		FY 1998	FY 1999	FY 2002
HF 666	Increases the penalty for manufacture, delivery, or possession with intent to	12	36	174

	delivery, or possession with intent to manufacture or deliver amphetamines from a Class C to a Class B felony.			
HF 707	Changes Operating While Intoxicated (OWI) penalties, addresses substance abuse evaluations and education, use of ignition interlocking devices, motor vehicle license revocations, and forfeiture of automobiles.	13	24	62
SF 128	Requires reporting of terminations of pregnancies, specifies information to be included, and provides penalties.	Not Significant	Not Significant	Not Significant
SF 131	Deals with fraudulent practices involving the Family Investment Program and Medical Assistance Program benefits and provides penalties.	Not Significant	Not Significant	Not Significant
SF 229	Authorizes the Department of Transportation to issue undercover motor vehicle licenses to peace officers and federal law enforcement officers for use in the line of duty and provides penalties for misuse.	Not Significant	Not Significant	Not Significant
SF 457	Deals with pharmacy practices and creates penalties for unlawful possession and distribution of nitrous oxide.	Can Not Be Determined	Can Not Be Determined	Can Not Be Determined
SF 497	Makes the unlawful possession or distribution of Gama-hydroxybutyrate an aggravated misdemeanor.	Can Not Be Determined	Can Not Be Determined	Can Not Be Determined
SF 503	Increases the penalty for manufacturing methamphetamine in the presence of a minor, prohibits indecent exposure and nudity in certain establishments, and requires an offender to pay \$150,000 when another is killed during the commission of a felony.	0	0	2

Bill	Description	Inmate Population Increase		
		FY 1998	FY 1999	FY 2002

SF 516	Revises provisions of the Family Investment and Promise Jobs Programs, child support, and Medical Assistance Programs and provides for fraudulent practices.	No Impact	No Impact	No Impact
		_____	_____	_____
Total Identified Effect on Prison Populations		<u>38</u>	<u>90</u>	<u>318</u>

Examining only legislation passed during the 1997 Legislative Session, the changes will fill almost half of one of the new 750-bed medium security prisons by FY 2002. The prison design capacity is projected to grow by 946 beds between FY 1997 and FY 2002 with the addition of the Fort Dodge facility and renovation of Cellhouse 17 at Fort Madison. Prior to the 1997 legislative changes, the inmate population was projected to grow by 1,897 inmates over the next five years. With the 1997 changes, the population is projected to increase by 2,215 inmates in FY 2002, which is 318 more than originally projected. With no other prison additions, the inmate population will then be 150.2% of design capacity.

BUDGET IMPACT

Examining only the estimated 318 inmates added by the 1997 legislative changes and assuming a marginal cost of \$12 per day per inmate, the 1997 changes will increase operating costs for the prison system by \$1.4 million in FY 2002.

The effect of the 1997 changes to Iowa criminal penalties added more inmates to a growing prison population. The Corrections Yearbook (1996) reports that nationally the average prison was operating at 107.5% of design capacity on January 1, 1996. For Iowa to reduce overcrowding to the national average and to maintain that level of overcrowding, a new 750-bed prison will need to be opened in FY 1999, another in FY 2000, and a third in FY 2001. Construction costs for a 750-bed prison, disregarding inflation, are approximately \$35.0 million with annual operating costs of approximately \$13.5 million.

The following table gives the prison populations and design capacities.

Prison Populations				
Prisons	Oct. 17, 1997	Design Capacity	Excess of Capacity	% of Design Capacity
Anamosa	1,315	840	475	156.5%
-Luster Heights	71	71	0	100.0%
Clarinda	980	750	230	130.7%
Ft. Madison - ISP	540	550	-10	98.2%
-Other	348	260	88	133.8%
Mitchellville - Inmates	440	173	267	254.3%
-Violators	13	60	-47	21.7%
Mt. Pleasant	898	528	370	170.1%
Newton - Inmates	724	871	-147	83.1%
-Violators	80	100	-20	80.0%
Oakdale	933	520	413	179.4%
Rockwell City	445	228	217	195.2%
Total	<u>6,787</u>	<u>4,951</u>	<u>1,836</u>	<u>137.1%</u>
	<u>FY 1998</u>	<u>FY 1999</u>	<u>FY 2002</u>	<u>FY 2006</u>
CJJP 1997 Population Proj.	6,976	7,338	8,420	9,630
FY 1998 Crime Bills Add	38	90	318	NA
Total Inmates	<u>7,014</u>	<u>7,428</u>	<u>8,738</u>	<u>NA</u>

The CJJP will provide a new forecast at the beginning of the Legislative Session that will incorporate the legislative changes discussed in this bill as well as other factors that may affect prison populations.

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